

Harris	McInnis	Ryan (WI)
Hart	McKeon	Ryun (KS)
Hastings (WA)	Mica	Saxton
Hayes	Miller (FL)	Schrock
Hayworth	Miller (MI)	Sensenbrenner
Hefley	Miller, Gary	Sessions
Hensarling	Moran (KS)	Shadegg
Herger	Murphy	Shaw
Hobson	Musgrave	Shays
Hoekstra	Myrick	Sherwood
Hostettler	Nethercutt	Shimkus
Houghton	Neugebauer	Shuster
Hulshof	Ney	Simmons
Hunter	Northup	Simpson
Hyde	Norwood	Smith (MI)
Isakson	Nunes	Smith (NJ)
Issa	Nussle	Smith (TX)
Istook	Osborne	Stearns
Jackins	Ose	Sullivan
Johnson (CT)	Otter	Tancredo
Johnson (IL)	Oxley	Tauzin
Johnson, Sam	Paul	Taylor (NC)
Jones (NC)	Pearce	Terry
Keller	Pence	Thomas
Kelly	Peterson (PA)	Thornberry
Kennedy (MN)	Petri	Tiahrt
King (IA)	Pickering	Tiberi
King (NY)	Pitts	Toomey
Kingston	Platts	Upton
Kirk	Pombo	Vitter
Kline	Porter	Walden (OR)
Knollenberg	Pryce (OH)	Walsh
Kolbe	Putnam	Wamp
LaHood	Quinn	Weldon (FL)
LaTourette	Radanovich	Weldon (PA)
Lewis (CA)	Ramstad	Weller
Lewis (KY)	Regula	Whitfield
Linder	Rehberg	Wicker
LoBiondo	Reynolds	Wilson (SC)
Lucas (OK)	Rogers (AL)	Wolf
Manzullo	Rogers (KY)	Young (AK)
McCotter	Rogers (MI)	Young (FL)
McCrery	Rohrabacher	
McHugh	Royce	

NOT VOTING—27

Boehlert	Fattah	Portman
Brady (TX)	Fletcher	Reyes
Capito	Fossella	Ros-Lehtinen
Crane	Gephardt	Souder
Culberson	Greenwood	Stark
DeMint	Hinche	Sweeney
Dreier	Janklow	Thompson (MS)
English	Lipinski	Towns
Eshoo	Murtha	Turner (OH)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The **SPEAKER** pro tempore (Mr. GILCHREST) (during the vote). There are 2 minutes remaining in this vote.

□ 1857

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The **SPEAKER** pro tempore. Pursuant to clause 8 of rule XX, the remaining votes in this series will be conducted as 5-minute votes.

MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

The **SPEAKER** pro tempore. The unfinished business is the question on the motion to instruct conferees on the bill, H.R. 1308.

The Clerk will designate the motion.

The Clerk designated the motion.

The **SPEAKER** pro tempore. The question is on the motion to instruct

offered by the gentleman from New Jersey (Mr. PALLONE) on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 202, nays 207, not voting 25, as follows:

[Roll No. 525]

YEAS—202

Abercrombie	Gutierrez	Nadler
Ackerman	Hall	Napolitano
Alexander	Harman	Neal (MA)
Allen	Hastings (FL)	Oberstar
Andrews	Hill	Obey
Baca	Hinche	Olver
Baird	Hinojosa	Ortiz
Baldwin	Hoeffel	Owens
Ballance	Holden	Pallone
Becerra	Holt	Pascrell
Bell	Honda	Pastor
Berkley	Hooley (OR)	Payne
Berman	Hoyer	Pelosi
Berry	Inslee	Peterson (MN)
Bishop (GA)	Israel	Pomeroy
Bishop (NY)	Jackson (IL)	Price (NC)
Blumenauer	Jackson-Lee	Rahall
Boswell	(TX)	Rangel
Boucher	Jefferson	Rodriguez
Boyd	John	Ross
Brady (PA)	Johnson, E. B.	Rothman
Brown (OH)	Jones (NC)	Roybal-Allard
Brown, Corrine	Jones (OH)	Ruppersberger
Capps	Kanjorski	Rush
Capuano	Kaptur	Ryan (OH)
Cardin	Kennedy (RI)	Sabo
Cardoza	Kildee	Sanchez, Linda
Carson (IN)	Kilpatrick	T.
Carson (OK)	Kind	Sanchez, Loretta
Case	Kleczka	Sanders
Castle	Kucinich	Sandlin
Clay	Lampson	Schakowsky
Clyburn	Langevin	Schiff
Conyers	Lantos	Scott (GA)
Cooper	Larsen (WA)	Scott (VA)
Costello	Larson (CT)	Serrano
Cramer	Leach	Sherman
Crowley	Lee	Skelton
Cummings	Levin	Slaughter
Davis (AL)	Lewis (GA)	Smith (WA)
Davis (CA)	Lofgren	Snyder
Davis (FL)	Lowe	Solis
Davis (IL)	Lucas (KY)	Spratt
Davis (TN)	Lynch	Stenholm
DeFazio	Majette	Strickland
DeGette	Maloney	Stupak
Delahunt	Markey	Tanner
DeLauro	Marshall	Tauscher
Deutsch	Matheson	Taylor (MS)
Dicks	Matsui	Thompson (CA)
Dingell	McCarthy (MO)	Tierney
Doggett	McCarthy (NY)	Turner (TX)
Dooley (CA)	McCollum	Udall (CO)
Doyle	McDermott	Udall (NM)
Edwards	McGovern	Upton
Ehlers	McIntyre	Van Hollen
Emanuel	McNulty	Velazquez
Engel	Meehan	Visclosky
Etheridge	Meek (FL)	Waters
Evans	Meeks (NY)	Watson
Farr	Menendez	Watt
Filner	Michaud	Waxman
Ford	Millender-	Weiner
Frank (MA)	McDonald	Wexler
Frost	Miller (NC)	Woolsey
Gonzalez	Miller, George	Wu
Gordon	Mollohan	Wynn
Green (TX)	Moore	
Grijalva	Moran (VA)	

NAYS—207

Aderholt	Boehner	Cannon
Akin	Bonilla	Carter
Bachus	Bonner	Chabot
Baker	Bono	Chocola
Ballenger	Boozman	Coble
Barrett (SC)	Bradley (NH)	Cole
Bartlett (MD)	Brown (SC)	Collins
Barton (TX)	Brown-Waite,	Cox
Bass	Ginny	Crenshaw
Beauprez	Burgess	Cubin
Bereuter	Burns	Cunningham
Biggett	Burr	Davis, Jo Ann
Bilirakis	Burton (IN)	Davis, Tom
Bishop (UT)	Buyer	Deal (GA)
Blackburn	Calvert	DeLay
Blunt	Camp	Diaz-Balart, L.

Diaz-Balart, M.	King (IA)	Regula
Doolittle	King (NY)	Rehberg
Duncan	Kingston	Renzi
Dunn	Kirk	Reynolds
Emerson	Kline	Rogers (AL)
English	Knollenberg	Rogers (KY)
Everett	Kolbe	Rogers (MI)
Feeney	LaHood	Rohrabacher
Ferguson	Latham	Royce
Flake	LaTourette	Ryan (WI)
Foley	Lewis (CA)	Ryun (KS)
Forbes	Lewis (KY)	Saxton
Franks (AZ)	Linder	Schrock
Frelinghuysen	LoBiondo	Sensenbrenner
Gallegly	Lucas (OK)	Sessions
Garrett (NJ)	Manzullo	Shadegg
Gerlach	McCotter	Shaw
Gibbons	McCrery	Shays
Gilchrest	McHugh	Sherwood
Gillmor	McInnis	Shimkus
Gingrey	McKeon	Shuster
Goode	Mica	Simmons
Goodlatte	Miller (FL)	Simpson
Goss	Miller (MI)	Smith (MI)
Granger	Miller, Gary	Smith (NJ)
Graves	Moran (KS)	Smith (TX)
Green (WI)	Murphy	Souder
Gutknecht	Musgrave	Stearns
Harris	Myrick	Sullivan
Hart	Nethercutt	Tancredo
Hastings (WA)	Neugebauer	Tauzin
Hayes	Ney	Taylor (NC)
Hayworth	Northup	Terry
Hefley	Norwood	Thomas
Hensarling	Nunes	Thornberry
Herger	Nussle	Tiahrt
Hobson	Osborne	Tiberi
Hoekstra	Ose	Toomey
Hostettler	Otter	Vitter
Houghton	Oxley	Walden (OR)
Hulshof	Paul	Walsh
Hunter	Pearce	Wamp
Hyde	Pence	Weldon (FL)
Isakson	Peterson (PA)	Weldon (PA)
Issa	Petri	Weller
Istook	Platts	Whitfield
Janklow	Pombo	Wicker
Jenkins	Porter	Wilson (NM)
Johnson (CT)	Pryce (OH)	Wilson (SC)
Johnson (IL)	Putnam	Wolf
Johnson, Sam	Quinn	Young (AK)
Keller	Radanovich	Young (FL)
Kelly	Ramstad	
Kennedy (MN)		

NOT VOTING—25

Boehlert	Fattah	Reyes
Brady (TX)	Fletcher	Ros-Lehtinen
Cantor	Fossella	Stark
Capito	Gephardt	Sweeney
Crane	Greenwood	Thompson (MS)
Culberson	Lipinski	Towns
DeMint	Murtha	Turner (OH)
Dreier	Pickering	
Eshoo	Portman	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The **SPEAKER** pro tempore (Mr. GILCHREST) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1906

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HONORING THE LIFE AND LEGACY OF BOB HOPE

The **SPEAKER** pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 357.

The Clerk read the title of the resolution.

The **SPEAKER** pro tempore. The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the

rules and agree to the resolution, H. Res. 357, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 0, not voting 26, as follows:

[Roll No. 526]

YEAS—408

Abercrombie	Davis, Jo Ann	Isakson
Ackerman	Davis, Tom	Israel
Aderholt	Deal (GA)	Issa
Akin	DeFazio	Istook
Alexander	DeGette	Jackson (IL)
Allen	Delahunt	Jackson-Lee
Andrews	DeLauro	(TX)
Baca	DeLay	Janklow
Bachus	Deutsch	Jefferson
Baird	Diaz-Balart, L.	Jenkins
Baker	Diaz-Balart, M.	John
Baldwin	Dicks	Johnson (CT)
Ballance	Dingell	Johnson (IL)
Ballenger	Doggett	Johnson, E. B.
Barrett (SC)	Dooley (CA)	Johnson, Sam
Bartlett (MD)	Doolittle	Jones (NC)
Barton (TX)	Doyle	Jones (OH)
Bass	Duncan	Kanjorski
Beauprez	Dunn	Kaptur
Becerra	Edwards	Keller
Bell	Ehlers	Kelly
Bereuter	Emanuel	Kennedy (MN)
Berkley	Emerson	Kennedy (RI)
Berman	Engel	Kildee
Berry	English	Kilpatrick
Biggert	Etheridge	Kind
Billrakis	Evans	King (IA)
Bishop (GA)	Everett	King (NY)
Bishop (NY)	Farr	Kingston
Bishop (UT)	Feeney	Kirk
Blackburn	Ferguson	Klecza
Blumenauer	Filner	Kline
Blunt	Flake	Knollenberg
Boehner	Foley	Kolbe
Bonilla	Forbes	Kucinich
Bonner	Ford	LaHood
Bono	Frank (MA)	Lampson
Boozman	Franks (AZ)	Langevin
Boswell	Frelinghuysen	Lantos
Boucher	Frost	Larsen (WA)
Boyd	Gallegly	Larson (CT)
Bradley (NH)	Garrett (NJ)	Latham
Brady (PA)	Gerlach	LaTourette
Brown (OH)	Gibbons	Leach
Brown (SC)	Gilchrest	Lee
Brown, Corrine	Gillmor	Levin
Brown-Waite,	Gingrey	Lewis (CA)
Ginny	Gonzalez	Lewis (GA)
Burgess	Goode	Lewis (KY)
Burns	Goodlatte	Linder
Burr	Gordon	LoBiondo
Burton (IN)	Goss	Loftgren
Buyer	Granger	Lowey
Calvert	Graves	Lucas (KY)
Camp	Green (TX)	Lucas (OK)
Cannon	Green (WI)	Lynch
Capps	Grijalva	Majette
Capuano	Gutierrez	Maloney
Cardin	Gutknecht	Manzullo
Cardoza	Hall	Markey
Carson (IN)	Harman	Marshall
Carson (OK)	Harris	Matheson
Carter	Hart	Matsui
Case	Hastings (FL)	McCarthy (MO)
Castle	Hastings (WA)	McCarthy (NY)
Chabot	Hayes	McCollum
Chocola	Hayworth	McCotter
Clay	Hefley	McCrery
Clyburn	Hensarling	McDermott
Coble	Herger	McGovern
Cole	Hill	McHugh
Collins	Hinchee	McInnis
Conyers	Hinojosa	McIntyre
Cooper	Hobson	McKeon
Costello	Hoeffel	McNulty
Cox	Hoekstra	Meehan
Cramer	Holden	Meek (FL)
Crenshaw	Holt	Meeks (NY)
Crowley	Honda	Menendez
Cubin	Hoolley (OR)	Mica
Cummings	Hostettler	Michaud
Cunningham	Houghton	Millender
Davis (AL)	Hoyer	McDonald
Davis (CA)	Hulshof	Miller (FL)
Davis (FL)	Hunter	Miller (MI)
Davis (IL)	Hyde	Miller (NC)
Davis (TN)	Inslee	Miller, Gary

Miller, George	Rangel	Spratt
Mollohan	Regula	Stearns
Moore	Rehberg	Stenholm
Moran (KS)	Renzi	Strickland
Moran (VA)	Reynolds	Stupak
Murphy	Rodriguez	Sullivan
Musgrave	Rogers (AL)	Tancredo
Myrick	Rogers (KY)	Tanner
Nadler	Rogers (MI)	Tauscher
Napolitano	Rohrabacher	Tauzin
Neal (MA)	Ross	Taylor (MS)
Nethercutt	Rothman	Taylor (NC)
Neugebauer	Roybal-Allard	Terry
Ney	Royce	Thomas
Northup	Ruppersberger	Thompson (CA)
Norwood	Rush	Thornberry
Nunes	Ryan (OH)	Tiahrt
Nussle	Ryan (WI)	Tiberi
Oberstar	Ryun (KS)	Tierney
Obeys	Sabo	Toomey
Oliver	Sanchez, Linda	Turner (TX)
Ortiz	T.	Udall (CO)
Osborne	Sanchez, Loretta	Udall (NM)
Ose	Sanders	
Otter	Sandlin	Upton
Owens	Saxton	Van Hollen
Oxley	Schakowsky	Velazquez
Pallone	Schiff	Visclosky
Pascarell	Schrock	Vitter
Pastor	Scott (GA)	Walden (OR)
Paul	Scott (VA)	Walsh
Payne	Sensenbrenner	Wamp
Pearce	Serrano	Watson
Pelosi	Sessions	Watt
Pence	Shadegg	Waxman
Peterson (MN)	Shaw	Weiner
Peterson (PA)	Shays	Weld (FL)
Petri	Sherman	Weldon (PA)
Pickering	Sherwood	Weller
Pitts	Shimkus	Wexler
Platts	Shuster	Whitfield
Pombo	Simmons	Wicker
Pomeroy	Skelton	Wilson (NM)
Porter	Slaughter	Wilson (SC)
Price (NC)	Smith (MI)	Wolf
Pryce (OH)	Smith (NJ)	Woolsey
Putnam	Smith (TX)	Wu
Quinn	Smith (WA)	Wynn
Radanovich	Snyder	Young (AK)
Rahall	Solis	Young (FL)
Ramstad	Souder	

NOT VOTING—26

Boehlert	Fattah	Ros-Lehtinen
Brady (TX)	Fletcher	Simpson
Cantor	Fossella	Stark
Capito	Gephardt	Sweeney
Crane	Greenwood	Thompson (MS)
Culberson	Lipinski	Towns
DeMint	Murtha	Turner (OH)
Dreier	Portman	Waters
Eshoo	Reyes	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1913

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 3, PARTIAL-BIRTH ABORTION BAN ACT OF 2003

Mr. SENSENBRENNER submitted the following conference report and statement on the bill (S. 3) to prohibit the procedure commonly known as partial-birth abortion:

CONFERENCE REPORT (H. REPT. 108-288)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3), to prohibit the procedure commonly known as partial-birth abortion, having met, after full

and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Partial-Birth Abortion Ban Act of 2003”.

SEC. 2. FINDINGS.

The Congress finds and declares the following:

(1) *A moral, medical, and ethical consensus exists that the practice of performing a partial-birth abortion—an abortion in which a physician deliberately and intentionally vaginally delivers a living, unborn child’s body until either the entire baby’s head is outside the body of the mother, or any part of the baby’s trunk past the navel is outside the body of the mother and only the head remains inside the womb, for the purpose of performing an overt act (usually the puncturing of the back of the child’s skull and removing the baby’s brains) that the person knows will kill the partially delivered infant, performs this act, and then completes delivery of the dead infant—is a gruesome and inhumane procedure that is never medically necessary and should be prohibited.*

(2) *Rather than being an abortion procedure that is embraced by the medical community, particularly among physicians who routinely perform other abortion procedures, partial-birth abortion remains a disfavored procedure that is not only unnecessary to preserve the health of the mother, but in fact poses serious risks to the long-term health of women and in some circumstances, their lives. As a result, at least 27 States banned the procedure as did the United States Congress which voted to ban the procedure during the 104th, 105th, and 106th Congresses.*

(3) *In Stenberg v. Carhart, 530 U.S. 914, 932 (2000), the United States Supreme Court opined “that significant medical authority supports the proposition that in some circumstances, [partial birth abortion] would be the safest procedure” for pregnant women who wish to undergo an abortion. Thus, the Court struck down the State of Nebraska’s ban on partial-birth abortion procedures, concluding that it placed an “undue burden” on women seeking abortions because it failed to include an exception for partial-birth abortions deemed necessary to preserve the “health” of the mother.*

(4) *In reaching this conclusion, the Court deferred to the Federal district court’s factual findings that the partial-birth abortion procedure was statistically and medically as safe as, and in many circumstances safer than, alternative abortion procedures.*

(5) *However, substantial evidence presented at the Stenberg trial and overwhelming evidence presented and compiled at extensive Congressional hearings, much of which was compiled after the district court hearing in Stenberg, and thus not included in the Stenberg trial record, demonstrates that a partial-birth abortion is never necessary to preserve the health of a woman, poses significant health risks to a woman upon whom the procedure is performed and is outside the standard of medical care.*

(6) *Despite the dearth of evidence in the Stenberg trial court record supporting the district court’s findings, the United States Court of Appeals for the Eighth Circuit and the Supreme Court refused to set aside the district court’s factual findings because, under the applicable standard of appellate review, they were not “clearly erroneous”. A finding of fact is clearly erroneous “when although there is evidence to*